IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

RP.No. 797 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WA.1740/2006 Dated 25/09/2006

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REVIEW PETITIONER/APPELLANT IN WA NO.1740/06

DR. K.DEVI,
ASSISTANT INSURANCE MEDICAL OFFICER,
E.S.I. DISPENSARY, CHERUVANNOOR,
KOZHIKODE DISTRICT, NOW RESIDING AT KOOTTANGARAM,
VATAKARA.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENTS: RESPONDENTS IN WA NO.1740/06
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1. **THE STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF HEALTH, SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF INSURANCE, DIRECTORATE MEDICAL SERVICE, THIRUVANANTHAPURAM.**

3. **THE DIRECTOR OF MEDICAL EDUCATION, DIRECTORATE OF MEDICAL EDUCATION, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.NOBLE MATHEW

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

R.P.No.797 of 2007 in
W.A.No.1740 of 2006

Dated 24th September, 2007

ORDER

Koshy,J.

Petitioner applied for post graduate course under service quota. Last date fixed for submission of application was 31.12.2002. As per the prospectus, only those persons in service whose probation has been declared are eligible for applying under service quota. Admittedly, probation of the petitioner was not declared on the last date fixed for admission to the post graduate course. It has been stated that her probation was declared with effect from 29.5.2003, i.e., after the last date fixed for submitting application to the post graduate course. But, by an interim order of this court petitioner was allowed to join the course. By that time her probation was also declared and she attended the course. Government has granted leave and she passed the course. A provisional certificate was issued by the University. Even though law declared in the judgment under review needs no review, we are of the opinion that since she has passed the course, her admission to the course need not be interfered at this stage. Nobody is affected. Therefore, without creating precedent, on the facts of this case, the petitioner's

admission shall be regularised and consequential relief shall be granted.

The review petition is allowed to the above extent.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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